

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

ZACHARY VERGARA, individually and on
behalf of a class of similarly situated
individuals,

Plaintiff,

v.

NINTENDO OF AMERICA INC., a
Washington corporation,

Defendant.

No. 1:19-cv-06374

Honorable Gary S. Feinerman

Magistrate Judge Jeffrey T. Gilbert

**JOINT STATUS REPORT AND
STIPULATION TO DISMISS WITHOUT PREJUDICE**

On May 21, 2020, the Court granted Defendant Nintendo of America Inc.'s Motion to Compel Arbitration. ECF No. 45. The Court also stayed this action and ordered the parties to file by September 18, 2020, a joint status report regarding any arbitration. ECF No. 44.

The Parties stipulate that the Court should dismiss this action without prejudice and have included with this submission a proposed order addressing the same.

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Dated: September 18, 2020

Zachary Vergara

By: s/ Eugene Y. Turin (with permission)
His Attorney

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Dated: September 18, 2020

Nintendo of America Inc.

By: s/ Eric J. Weiss
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CERTIFICATE OF SERVICE

On this date I caused a true and correct copy of the foregoing Joint Status Report and Stipulation to Dismiss Without Prejudice to be served on each of the attorneys identified below, via the delivery methods indicated below:

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Attorney for Zachary Vergara

☒ Via the Clerk's eFiling Application
☐ Via U.S. Mail, 1st Class
☐ Via Overnight Delivery
☐ Via Facsimile
☒ Via Email
☐ Other: _____

Dated: September 18, 2020

By: s/ Mallory Gitt Webster